

**MINUTE ENTRY  
DUVAL, J.  
AUGUST 25, 2006**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**COLLEEN BERTHELOT, ET AL**

**CIVIL ACTION**

**VERSUS**

**NO. 05-4182**

**BOH BROTHERS CONSTRUCTION CO., L.L.C., ET AL**

**SECTION "K"(2)  
CONS. KATRINA CANAL**

**THIS DOCUMENT RELATES TO:  
REC. DOC. 570, 552, 463, 560, 624, & 573**

**ORAL ARGUMENT**

MOTION for Judgment on the Pleadings by State Farm Fire & Casualty Company. (Reference: 05-6323), (Doc. No. 570).

MOTION for Summary Judgment by Burk-Kleinpeter, Inc., Burk-Kleinpeter, LLC. (Reference: 05-4182, 05-5237, 05-6073, 05-6314, 05-6324, 05-6327, 06-20, 06-886, 06-2346, 06-2228, 06-2287), (Doc. No. 552)

Joint MOTION to Dismiss, Joint MOTION for Summary Judgment by Burk-Kleinpeter, Inc.(05-5237), Modjeski and Masters, Inc.(05-5237), Eustis Engineering Company, Inc.(05-6073). (Reference: 05-4181, 05-4182, 05-5237, 05-6073, 05-6314, 05-6324, 05-6327, 05-6359, 06-0020, 06-0886, 06-2278, 06-2287, 06-2346, 06-2545), (Doc. No. 463)

Rule 56 MOTION for Summary Judgment by Boh Bros. Construction Company, LLC. (Reference: ALL CASES), (Doc. No. 560)

MOTION for Summary Judgment based on Peremption by B&K Construction Co., Inc. (Reference: 05-4181, 05-4182, 05-6073, 05-6324, 06-20, 06-886, 06-2287, 05-5237, 05-6314, 05-6327, 06-225, 06-2278, 06-2346), (Doc. No. 624)

MOTION to Dismiss Party Board of Commissioners for the Orleans Levee District and the Sewerage and Water Board of New Orleans by Board of Commissioners for the Orleans Levee District, Sewerage and Water Board of New Orleans (Reference: 05-4181, 05-4182, 05-5237, 05-6073, 05-6314, 05-6324, 05-6327, 06-20, 06-225, 06-886, 06-2278, 06-2287, 06-2545, 06-2346), (Doc. No. 573)

MOTION to Dismiss Party Sewerage and Water Board of New Orleans by Sewerage & Water Board of New Orleans (Reference: 05-4181, 05-5237, 05-6073, 05-6314, 05-6324, 05-6327, 06-05225, 06-0886, 06-2278, 06-2287, 06-2545, 06-2346), (Doc. No. 563)

**COURTROOM DEPUTY: SHEENA DEMAS  
COURT REPORTER: CATHY PEPPER & TONI TUSA**

APPEARANCES:

Neil Abramson, Thomas Anzelmo, Daniel Becnel, Jr., Tetrenc Brennan, Adrian Naeau, Traci Colquette, Erin Dearie, John Ellison, Calvin Fayard, Jr., Thomas Gardner, Stephen Goldman, Herman Hoffmann, Jr., David Honeycutt, Peyton Murphy, Ralph Hubbard, III, Tamara Jacobson, Kyle Kirsch, Hugh Lambert, Wayne Lee, Gerald Meunier, Maura Pelleteri, H. Minor Pipes, III, Michael Riess, Charles Colvin, James Roussel, David Scalia, Seth Schmeackle, Matthew Schultz, Robert Siegel, George Simno, III, William Treeby, Heather Lonian, Neal Favret, Andrew Greene, Martin Sadler, James McConnon, Jr., Charles Seemann, Jr., Victor Stillwell, Jr. , Francis Barry, Jr., John deGravelles, N. Frank Elliott, III, Stephen Wiles, Carlos Zelaya, Karq Hadican, & Justin Woods

Case called. All present and ready.

Oral argument by parties - doc. 570.

Parties to submit briefs (25 pages or less) by September 8, 2006 and reply briefs (10 pages or less) by September 15, 2006, after which time this matter is SUBMITTED.

Court recesses for lunch at 12:30 pm. Court resumes at 1:36 p.m.

Oral argument by parties - doc. 552.

Court GRANTED motion, for oral reasons stated on the record.

Oral argument by parties - doc. 463.

This matter is SUBMITTED.

Oral argument by parties - doc. 560 & 624.

These matters are SUBMITTED.

Oral argument by parties - doc 573

This matter is SUBMITTED.

During some of these motions power point presentations and other electronic presentations were done and submitted to the court for its' review.

Court adjourns at 4:51 p.m.

JS-10 (6:10)